Filing date:

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ESTTA213811 05/27/2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92049364
Party	Plaintiff Shawn W. Woodrum dba Floyd's Barber Shop
Correspondence Address	Shawn W. Woodrum 116 North Court Street, P.O. Box 1549 Buena Vista, CO 81211 UNITED STATES wetlands@chaffeeco.net
Submission	Other Motions/Papers
Filer's Name	Shawn W. Woodrum
Filer's e-mail	wetlands@chaffeeco.net
Signature	/Shawn W. Woodrum/
Date	05/27/2008
Attachments	petition for cancellation amendment 1.pdf (3 pages)(569530 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2	BEFORE THE TRADEMARI	K TRIAL AND APPEAL BOARD		
3				
4	Shawn W. Woodrum) Mailed Tuesday, May 27, 2008)		
5	116 North Court Street) Cancellation No.: 92049364		
6	PO Box 1549) Registration No.: 2,749,894		
7	Buena Vista, CO 81211) Registration Date : August 12, 2003		
	d.b.a. Floyd's Barber Shop, a Colorado Sole Proprietorship)		
8	Petitioner,) Registration No.: 3,063,720 Registration Date: February 28, 2006		
9	v.			
10	Floyd's 99 Holdings, LLC, represented by			
11	PERKINS COIE LLP 1899 Wynkoop Street, Ste 700,			
12	Denver, CO 80202-1043			
13				
14	Attorney of Record: Garrett M. Tuttle, Attorney At Law			
15	Respondent	_		
16	AMENDMENT			
17	Assistant Commissioner for Trademarks			
18	United States Patent and Trademark Office			
	Trademark Trial and Appeal Board			
19	Attention: Millicent Canady, Paralegal Specialist			
20	P.O. Box 1451			
21	Arlington, VA 22313-1451			
22	Dear Sir:			
23	Petitioner, Shawn W. Woodrum, hereby requests the	above referenced petition for cancellation be amended as follows		
24	In Section 1, as grounds for cancellation, the allegation of prio			
25	Petitioner alleges a Priority right to the mark "F			
26		• • •		
27		tered Colorado Secretary of State trade name registration for		
28		8996) as filed 8/26/99, indicating a first-use date of 01/08/99, and		
	effectively pre-dating Respondents' stated	first use date of 2-20-2001 by more than 13 months.		

1	B) Registered owner of to exclusive right to Colorado Secretary of State-issued Trade Mark for "Floyd's Barber		
2	Shop' (CO ID # 20011017581) as filed 01/24/2001 and also pre-dating Respondents' stated first use date of		
3	02-20-01.		
4	REMARKS		
5	Petitioner specifically requests all allegations contained in the original petition for cancellation (i.e sections 2-8) be		
6	retained as submitted.		
7	CONCLUSION		
8	Petitioner asserts the amendment provides documentation pertinent to the petition, and hereby requests this amendment		
9	be accepted.		
10			
11	Respectfully submitted,		
12	Shawn W. Woodrum		
13			
14	Dated this 05/27/2008 By: Shaw W. Woodrum		
15	dba Floyd's Barber Shop 116 North Court Street		
16	P.O. Box 1549 Buena Vista, CO 81211-1549		
17	(719) 395-3274		
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28			
	[Summary of pleading] - 2		

Certificate of Mailing

I hereby certify that 2 complete and identical copies of this correspondence are being deposited with the United States Postal Service as follows:

1) Express Mail No. EH 542967877 US, in an envelope addressed to:

Perkins Coie, LLP

Attn: Garrett M. Tuttle 1899 Wynkoop Street, Ste 700 Denver, CO 80202-1043

AND

2) Express Mail No. EH 542966 995 US, in an envelope addressed to:

Floyd's 99 Holdings, LLC

Attn: Mitchell Graham, Paul O'Brien, Rob O'Brien, Bill O'Brien 4333 Cherokee Street Denver, COLORADO 80216

By my hand, on the afternoon of Tuesday, May 27, 2008.

Shawn W Woodrum